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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/173,858	10/16/1998	BART ALAN MELTZER	19957.701	4734

22470 7590 03/13/2002

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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/173,858

Applicant(s)

MELTZER ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 61-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 61-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: response filed on 1/2/02 to the application filed on 10/16/98.
2. Claims 17-60 are canceled.
3. Claims 1-16, 61-72 are pending in the case. Claims 1 and 61 are independent claims.
4. The objection of the specification has been withdrawn in view of the updating of the status of the cross-reference on page 1.
5. The rejections of claims 1-34, 36, 39-71 under Double Patenting as being unpatentable over claims 1-2, 4, 8-19, 26-29, 32-40, 42-46 of U.S. Patent No. 6,226,675 B1 have been withdrawn in view of the terminal disclaimer submitted by applicants.
6. The rejections of claims 35, 37-38 under 35 U.S.C. 103(a) as being unpatentable over Meltzer and further in view of Sellers have been withdrawn in view of the cancellation of claims 17-60.
7. The rejections of claims 1, 61, 72 under 35 U.S.C. 103(a) as being unpatentable over Bayeh have been withdrawn in view of applicants' argument.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-16, 61-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 1, it is not clear what the claimed interface is since the preamble mentions of the interface but the limitation of claim 1 refers to a machine-readable specification of the interface and the interpretation information of the input document and the interpretation information of the output document. There is nothing about the steps of how the interface works.

Claims 2-15 are also rejected as being dependent on claim 1.

Regarding independent claim 61, it is not clear what the programming of a commercial transaction is since the limitations of claim 61 includes *defining a machine readable definition of an input document and a machine readable definition of an output document*, and *providing interpretation information* for the logical structures to the node. There is nothing about how the programming of a commercial transaction works. Claims 62-72 are also rejected as being dependent on claim 61.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16, 61-72 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 refers to a *machine-readable specification* of an interface which includes *interpretation information* providing a *definition of an input document and an output document*. The claim, therefore, does not recite any functional subject matter.

Claims 2-16 are also rejected as being dependent on claim 1.

Claims 61-72 refers *defining a machine-readable definition* of an input document and an output document for a node in the network, and *providing interpretation information* for the logical structures to the node. The claim, therefore, does not disclose any functional subject matter.

Claims 2-16 are also rejected as being dependent on claim 61.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Slotznick (US Pat No. 5,983, 200, 11/9/99, filed 10/6/97).

Freund et al.(US Pat No. 5,923,833, 7/13/99, filed 3/14/97, priority 3/19/96).

Guck et al. (US Pat No. 6,230,201B1, 5/8/01, filed 5/29/98).


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9731 for regular communications and 707-305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
2/28/02


STEPHEN S. HONG
PRIMARY EXAMINER